

TOWN OF WASHINGTON TOWN BOARD

October 11, 2007

The Town Board of the Town of Washington held its regular meeting on Thursday, October 11, 2007, at the Town Hall, 10 Reservoir Drive, Millbrook. The meeting was called to order at 7:00 PM by Supervisor Florence Prisco with the following present: Councilmen Stephen Turlentes, Michael Murphy and Allan Rappleyea, Town Clerk Mary Alex, Highway Superintendent James Brownell, Attorney for the Town John Gifford and Bookkeeper to the Supervisor Laura Hurley.

Also present were Rebecca Valk and Janice Anderson-Gomez, attorneys from Van de Water and Van de Water, Planning Board Chairman Thomas Beaumont, ZBA Chair Brad Roeller and ZBA member Jerry Baker. Concerned residents were Howard Schuman, Kate Farrell, Debra Coddington, Tony Sloan, Didi Barrett and Mitch Trinka.

Monthly reports were received from the Town Clerk, Justice Court Clerk, Building Inspector, Zoning Administrator and Bookkeeper to the Supervisor.

Supervisor Prisco opened the meeting with the Pledge of Allegiance.

Supv. Prisco reported that the Town had received a donation from the Tribute Garden Foundation, Inc. in the amount of \$50,000.00 for the development of the fields at the Town Park. A letter of thanks has been sent to the foundation.

Mrs. Hurley presented the Board with the bank balances through the end of September. The Board will see that all accounts are separated by specific funds, and that the investment account will be closed. Revenues are at 100% for almost all funds and expenses are at about 80%.

Tim Marshall entered the meeting.

Mrs. Hurley advised the Board that she and Supervisor Prisco had met with Mr. Mosca at the bank regarding the Bond for the parkland purchase. The town can renew the BAN 3 times and then convert to a Bond. For the Purchase of Development Rights at the Marshall property, the Board can consider whether they wish to include the funds in the 2008 budget or BAN the \$80,000. when needed and make an interest payment in 2009. Mrs. Prisco said she spoke with Mrs. Marshall and at that time, the Marshall's had yet to make their final decision. Mr. Marshall said that if they go forward they would like to accept the funds in early 2009.

In regard to ballfield development, Supervisor Prisco said she envisions it being done in increments. She wanted to know how the Board felt on proceeding. Councilman Murphy said he would like to look at the entire area, assess all needs and prioritize development based upon the finances and needs. He would like input from the Highway Superintendent regarding the type of work our employees may be able to do.

Stan Morse entered the meeting.

Councilman Rappleyea said that Ellen Epstein, of the Chazen Companies, has called him to discuss different concepts. He would like to get through the budget period, and begin the

discussion in later November. After a brief discussion, the Board decided to continue the ball field discussions in November.

Budget workshop meetings are scheduled for October 15 and 22, and probably the 29th at 7:00 PM.

On a motion made by Councilman Murphy and seconded by Councilman Turletes the Board opened the Public Hearing to amend the Town Zoning Law to establish laws pertaining to the fire and building code. All ayes were recorded.

Janice Gomez-Anderson said that this is a companion law to the one that establishes fire and building codes. It cross references and provides sequential steps and powers and duties of the Building Inspector.

Mr. Roeller said that in Section 420, Subsection 2, paragraph C, the municipal code has a much clearer paragraph that he suggests be added. Ms. Gomez-Anderson said it was an oversight and will be put back in. Mr. Roeller also added that on page 101 it states "in code" he would like the word municipal added.

Mr. Marshall asked if the law included sprinklers be required in new home construction. Ms. Gomez-Anderson said that it is not included. Mr. Gifford said that the recommendation had been made by Chief Hawks. The Board has considered the recommendation, however is not ready to make it a requirement. Some residents in town have independently chosen to do this. He is not aware of any municipality in New York with this requirement. Mr. Marshall asked that it be kept in mind for the future, it could make homes safer.

On a motion made by Councilman Rappleyea and seconded by Councilman Murphy the Board moved to close the Public Hearing on Local Law _of 2007 to Establish Laws Pertaining to Fire and Building Codes. The Board will vote next month on this law and its companion law. All ayes were recorded.

The Board discussed the proposed law which would eliminate cemeteries from the code, the table of contents and the appendix. Private cemeteries are currently allowed in 5 and 10 acre zones, and will no longer be allowed. On a motion made by Councilman Rappleyea and seconded by Councilman Murphy the Board closed the Public Hearing on Local Law No. 2 of the Year 2007, A Local Law to delete Section 327A "Private Cemeteries or Burial Plots" and to delete all references to Section 327A. All ayes were recorded.

NEGATIVE DECLARATION
NOTICE OF DETERMINATION OF NON-SIGNIFICANCE
A LOCAL LAW AMENDING THE ZONING CODE OF THE TOWN OF WASHINGTON,
DUTCHESS COUNTY, NEW YORK, TO DELETE SECTION 327A "PRIVATE
CEMETERIES OR BURIAL PLOTS" AND TO DELETE ALL REFERENCES TO SECTION
327A.

Councilman Rappleyea offered the following resolution, which was seconded by Councilman Murphy, who moved its adoption:

WHEREAS, the Town of Washington Town Board proposed to adopt a local law amending the zoning code of the Town of Washington, Dutchess County, New York, to delete

Section 327 A “Private Cemeteries or Burial Plots” and to delete all references to Section 327A; and

WHEREAS, the Town of Washington Town Board has determined that this action is a Type I action pursuant to 6NYCRR Part 617 of the New York State Environmental Quality Review Act (SEQRA); and

WHEREAS, the Town of Washington Town Board as lead agency has caused the preparation of a Full Environmental Assessment Form, Part 1, 2 and 3; and

WHEREAS, the Town of Washington Town Board has reviewed the action and all relevant supporting documentation and has compared the action with 6 NYCRR 617 and has determined that no significant adverse impacts associated with the proposed action have been identified. The Board offers the following supporting and substantiating this determination:

1. The action will not result in a substantial adverse change in existing air quality, ground or surface water quality, traffic or noise levels, a substantial increase in solid waste production; or a substantial increase in potential for erosion, flooding, leaching or drainage problems.
2. The action will not result in the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movements of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial impacts on a threatened or endangered species of animal or plant or the habitat of such a species or other significant adverse impacts to natural resources.
3. The action will not create a material conflict with the community’s current plans or goals as officially approved or adopted.
4. The action will not result in the impairment of the character or quality of important historical, archeological, architectural or aesthetic resources of the existing community or neighborhood character.
5. The action will not create a hazard to human health.
6. The action will not cause a substantial change in the use of intensity of use of land, including agricultural, open space or recreational resources or in its capacity to support existing uses.
7. The action will not result in the creation of a material demand for other actions that would result in one of the above consequences.
8. The action does not involve changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment.

NOW, THEREFORE, BE IT RESOLVED THAT the Town of Washington Town Board acting as lead agency has examined the impacts which may be reasonably anticipated to result from the adoption of the proposed local law, and has determined that these actions will not have any significant adverse impact on the environment and that a Draft Environmental Impact Statement need not be prepared.

BE IT FURTHER RESOLVED THAT the Town of Washington Town Board hereby issues a Negative Declaration pursuant to the requirements of the State Environmental Quality Review Act.

BE IT FURTHER RESOLVED THAT the Town of Washington Town Board hereby authorizes the filing of this Negative Declaration pursuant to the requirements of the State Environmental Quality Review Act as contained in its regulations at 6 NYCRR617.12.

The foregoing resolution was duly put to a vote which resulted as follows:

Supervisor Prisco	Aye
Councilman Turletes	Aye
Councilman Rappleyea	Aye
Councilman Murphy	Aye
Councilman Audia	Aye

This Negative Declaration is adopted this 11th day of October, 2007, and is ordered into the record for a local law amending the zoning code of the Town of Washington, Dutchess County, New York, to delete Section 327A "Private Cemeteries or Burial Plots" and to delete all references to Section 327 A.

RESOLUTION

Councilman Rappleyea offered the following resolution, which was seconded by Councilman Turletes, who moved its adoption:

WHEREAS, a local law was introduced entitled TOWN OF WASHINGTON LOCAL LAW NO. 2 OF THE YEAR 2007, A LOCAL LAW AMENDING THE ZONING CODE OF THE TOWN OF WASHINGTON, DUTCHESS COUNTY, NEW YORK, TO DELETE SECTION 327A "PRIVATE CEMETERIES OR BURIAL PLOTS" AND TO DELETE ALL REFERENCES TO SECTION 327A; and

WHEREAS, a public hearing in relation to said local law was held on September 13, 2007 at 7:00 PM, Prevailing Time and continued on October 11, 2007, at 7:00 PM, Prevailing Time; and

WHEREAS, notice of said public hearing was given pursuant to the terms and provisions of the Municipal Home Rule Law of the State of New York; and

WHEREAS, said local law has been on the desks of the members of the Town Board of the Town of Washington for at least seven (7) days, exclusive of Sunday;

NOW, THEREFORE, BE IT RESOLVED that the following local law is hereby enacted:

TOWN OF WASHINGTON LOCAL LAW NO. 2 OF THE YEAR 2007

Section 1. Section 310, Appendix A, "Schedule of District Use Regulations" of the Town of Washington Zoning Code is hereby amended to delete each and every instance the use "Cemetery" is listed within Appendix A.

Section 2. The Town of Washington Zoning Code is hereby amended to delete Section 327A “Private Cemeteries or Burial Plots” in its entirety.

Section 3. The Town of Washington Zoning Code is hereby amended to delete the following text from the Table of Contents: Section 327A: Private Cemeteries or Burial Plots”.

Section 4. This local law shall take place immediately upon filing with this state’s Secretary of State.

RESOLVED that the Town Clerk shall file a certified original of this local law in the office of the Town Clerk and one (1) certified copy in the Office of the Secretary of State, State of New York, such certified copy to have attached thereto a certificate executed by the Attorney for the Town of Washington that it contains the correct text and that all proper proceedings have been had or taken for the enactment of this local law.

This foregoing resolution was duly put to a vote which resulted as follows:

Supervisor Prisco	Aye
Councilman Turletes	Aye
Councilman Rappleyea	Aye
Councilman Murphy	Aye
Councilman Audia	Absent

This resolution was duly adopted.

Ms. Valk advised that the other Local Law that the Board is considering is a local law adopting Land Subdivision Regulations for the Town of Washington. There is a change in driveway regulations, and additional language to the sentence regarding Greenway Connections.

Mrs. Barrett stated she thought the language was redundant and gratuitous to the Planning Board. Supervisor Prisco said that the language has no impact on the Greenway legislation. Councilman Rappleyea added that it doesn’t undermine the law; it is a comfort level for the Planning Board. Ms. Farrell said she is uncomfortable with the Planning Board’s need for the additional language.

On a motion made by Councilman Turletes and seconded by Councilman Murphy, the Public Hearing for Local Law No. 3 of the Year 2007, A Local Law Adopting Subdivision Regulations for the Town of Washington was closed. All ayes were recorded.

NEGATIVE DECLARATION
NOTICE OF DETERMINATION OF NON-SIGNIFICANCE

LOCAL LAW TO ADOPT SUBDIVISION REGULATIONS FOR
THE TOWN OF WASHINGTON

Councilman Rappleyea offered the following resolution, which was seconded by Councilman Murphy, who moved its adoption:

WHEREAS, the Town of Washington Town Board proposed a local law to adopt subdivision regulations for the Town of Washington; and

WHEREAS, the Town of Washington Town Board has determined that this action is an unlisted action pursuant to 6NYCRR Part 617 of the NY State Environmental Quality Review Act (SEQRA) and that the action need not be subject to optional coordinated review by all involved agencies; and

WHEREAS, the Town of Washington Town Board as Lead Agency has caused the preparation of a Short Environmental Assessment Form; and

WHEREAS, the Town of Washington Town Board has reviewed the action and all relevant supporting documentation and has compared the action with 6 NYCRR 617 and has determined that no significant adverse impacts associated with the proposed action have been identified. The Board offers the following information supporting and substantiating this determination:

1. The action will not result in a substantial adverse change in existing air quality, ground or surface water quality, traffic or noise levels; a substantial increase in solid waste production; or a substantial increase in potential for erosion, flooding, leaching or drainage problems.
2. The action will not result in the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movements of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial impacts on a threatened or endangered species of animal or plant or the habitat of such a species or other significant adverse impacts to natural resources.
3. The action will not create a material conflict with the community's current plans or goals as officially approved or adopted.
4. The action will not result in the impairment of the character or quality of important historical, archeological, architectural or aesthetic resources of the existing community or neighborhood character.
5. The action will not create a hazard to human health.
6. The action will not cause a substantial change in the use or intensity of use of land, including agricultural, open space or recreational resources or in its capacity to support existing uses.
7. The action will not result in the creation of a material demand for other actions that would result in one of the above consequences.
8. The action does not involve changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment.

NOW, THEREFORE, BE IT RESOLVED THAT the Town of Washington Town Board acting as Lead Agency has examined the impacts which may be reasonably anticipated to result from the adoption of the proposed local law, and has determined that these actions will not have any significant adverse impact on the environment and that a Draft Environmental Impact Statement need not be prepared.

BE IT FURTHER RESOLVED THAT the Town of Washington Town Board hereby issues a Negative Declaration pursuant to the requirements of the State Environmental Quality Review Act.

BE IT FURTHER RESOLVED THAT the Town of Washington Town Board hereby authorizes the filing of this Negative Declaration pursuant to the requirements of the State Environmental Quality Review Act as contained in its regulations at 6 NYCRR 617.12.

The foregoing resolution was duly put to a vote which resulted as follows:

Supervisor Prisco	Aye
Councilman Turletes	Aye
Councilman Rappleyea	Aye
Councilman Audia	Absent

This Negative Declaration is adopted this 11th day of October, 2007, and is ordered into the record for a local law to adopt subdivision regulations for the Town of Washington.

RESOLUTION

Councilman Rappleyea offered the following resolution, which was seconded by Councilman Turletes, who moved its adoption:

WHEREAS, a local law was introduced entitled TOWN OF WASHINGTON LOCAL LAW NO. 3 OF THE YEAR 2007, A LOCAL LAW ADOPTING LAND SUBDIVISION REGULATIONS FOR THE TOWN OF WASHINGTON; and

WHEREAS, a public hearing in relation to said local law was held on September 13, 2007 at 7:00 PM prevailing time and continued on October 11, 2007 PM, prevailing time; and

WHEREAS, notice of said public hearing was given pursuant to the terms and provisions of the Municipal Home Rule Law of the State of New York; and

WHEREAS, said local law has been on the desks of the members of the Town Board of the Town of Washington for at least seven (7) days, exclusive of Sunday;

NOW, THEREFORE, BE IT RESOLVED that the following local law is hereby enacted:

TOWN OF WASHINGTON LOCAL LAW NO. 3 OF THE YEAR 2007

The foregoing resolution was duly put to a vote which resulted as follows:

Supervisor Prisco	AYE
Councilman Turletes	AYE
Councilman Rappleyea	AYE
Councilman Murphy	AYE
Councilman Audia	Absent

Full Local Law is an attachment in the minute books.

Ms. Valk brought forth a discussion on the proposed Local Law pertaining to Stormwater regulations. The Town Board may choose either a one acre or a half acre threshold. The Town of Washington is not currently mandated by the state to enact this legislation. The Board must consider the enforcement of the law. Will it be the building inspector or the Zoning Administrator? The Board discussed whether a fee could be passed on to the developer. An escrow may be established along with an application fee. The escrow would cover the inspection. The Town of LaGrange is considering a minimum of four inspections with a charge of \$200.00

per inspection. Recuperating the cost of enforcement can be a struggle when someone doesn't have an application. The Planning Board is requesting that the town enact the legislation. The CAC suggested that the law expand the definition of erosion to include gravity, and to include a definition for individual sewage treatment, and to revise the definition of pollutant to say "including, but not limited to". The Board continued the Public Hearing until the November meeting. They would like additional input from Neil Wilson.

The next Local Law up for discussion is the Illicit Discharge regulations. This law seeks to prevent discharge into sewers. There was a debate about removing the piece for jail time and to increase the fine, and the ability to convert a fine in judgment against a property. Ms. Farrell asked about the environmental impact if the discharge continues. Ms. Valk said the town should seek feedback from the local towns that have adopted the regulation. As in the previous law, the town needs to talk realistically about enforcement. Again the Board continued the Public Hearing until the November meeting, with additional input requested from Neil Wilson.

The Town Board has received a proposed Local Law to enact "Regulation for an Interim Period of Development and Use of Lands and Buildings", as requested by the Planning Board. The legislation before the Town Board this evening has a slight change from the originally proposed law, in that it has language for current applications that are deemed complete to continue the review process by the Planning Board. If the work of the Master Plan committee is not complete within one year, the town can renew the moratorium. Councilman Rappleyea suggested that the Town increase the fee if someone is requesting a waiver of the legislation.

Councilman Turletes, seconded by Councilman Murphy, introduced the following proposed local law, to be known as Local Law No. ___ of the year 2007, entitled A LOCAL LAW OF THE TOWN OF WASHINGTON, DUTCHESS COUNTY, NEW YORK TO AMEND THE ZONING CODE OF THE TOWN OF WASHINGTON TO ADD A NEW SECTION 395 ENTITLED "REGULATIONS FOR AN INTERIM PERIOD OF DEVELOPMENT AND USE OF LANDS AND BUILDINGS"

Supv. Prisco advised the Town Board that, pursuant to the Municipal Home Rule Law of the State of New York, it will be necessary to hold a public hearing upon this local law. Councilman Turletes offered the following resolution which was seconded by councilman Murphy who moved its adoption:

WHEREAS, on October 11, 2007, Councilman Turletes has introduced this local law for the Town of Washington, to be known as "Town of Washington Local Law No. ___ of the Year 2007, a local law of the Town of Washington, Dutchess County, New York, to AMEND THE ZONING CODE OF THE TOWN OF WASHINGTON TO ADD A NEW SECTION 395 ENTITLED "REGULATION FOR AN INTERIM PERIOD OF DEVELOPMENT AND USE OF LANDS AND BUILDINGS".

RESOLVED, that a public hearing be held in relation to the proposed changes as set forth in the form of notice, hereinafter provided, at which hearing parties in interest and citizens shall have an opportunity to be heard, to be held at the Town Hall, 10 Reservoir Drive, Millbrook, New York, on Nov. 8, 2007 at 7:00 pm Prevailing Time, and that notice of said meeting shall be published in the official newspaper of general circulation in the Town of Washington, by the Town Clerk, at least five (5) days before such hearing and that such notice shall in the following form:

NOTICE OF PUBLIC HEARING

TAKE NOTICE, that the Town Board of the Town of Washington will hold a Public Hearing at the Town Hall, 10 Reservoir Drive, Millbrook, New York, on November 8, 2007, at 7:00 o'clock pm on Local Law No. ___ 2007, to AMEND THE ZONING CODE OF THE TOWN OF WASHINGTON TO ADD A NEW SECTION 395 ENTITLED "REGULATION FOR AN INTERIM PERIOD OF DEVELOPMENT AND USE OF LANDS AND BUILDINGS".

TAKE FURTHER NOTICE, that copies of the aforesaid proposed local law will be available for examination at the office of the Clerk of the Town of Washington, at the Town Hall, 10 Reservoir Drive, Millbrook, New York between the hours of 9:00 am to 12:30 pm and then between 1:30 pm to 3:00 PM on all business days between the date of this notice and the date of public hearing.

TAKE FURTHER NOTICE, that all person interested and citizens shall have an opportunity to be heard on said proposal at the time and place aforesaid.

The foregoing resolution was duly put to a vote which resulted as follows:

Supervisor Prisco	Aye
Councilman Turletes	Aye
Councilman Rappleyea	Aye
Councilman Murphy	Aye
Councilman Audia	Absent

See Attachment for full proposed legislation.

Councilman Murphy reported that the Wetland Committee has recently met with John Gifford to review the proposed ordinance. They took the feedback from the focus group and worked out some of the questions. Mr. Gifford said that the document should be available in November.

Supervisor Prisco said she has received a request from Laurie Olson on behalf of the Fire Company to hold a tractor pull on August 2, 2008. It is in honor of the 100th anniversary of the Fire Company. The Board felt that it was okay as long as it doesn't interfere with anything being done in the way of ballfield development. They also would like indemnification agreements signed by the participants, in the event of oil or fuel leaks from the tractors.

Highway Superintendent Brownell advised the Board that the bid opening was held earlier in the day for highway materials. He requested additional time to review the bids, as some of them are lower than last year and he wants to ensure the bids are accurate. He asked that the Board review the Highway material bids on October 15th, prior to the budget workshop. The Board agreed.

In regard to the bids for surplus highway equipment, 10 bids were received, all in excess of the minimum bid of \$1,800.00. He recommended that the Board accept the following bids: for D-1 from Hazelton \$2,896.00 and for D - 2 from Liberty Motors \$2,752.99. On a motion made by Councilman Murphy and seconded by Councilman Turletes, the Board accepted the bids from Hazelton for D-1 in the amount of \$2,896. and Liberty Motors for D-2 for \$2,752.00. All ayes were recorded.

On a motion made by Councilman Rappleyea and seconded by Councilman Murphy the Board accepted the minutes of 9/13/07 as presented. All ayes were recorded.

Town Clerk Alex advised the Board that she attended a conference put on by the United States Census Bureau for the Local Update of Census Addresses (LUCA) program. The Towns are being asked to voluntarily participate in a program that will provide local information on physical addresses to the Census Bureau. The benefit is to ensure that political boundaries and representation do not change. The down side is that it can be a time consuming project, which must be completed and returned to the Census Bureau by April 1. Most of the local towns were represented at the conference, as well as Dutchess County Planning. The Town Clerks had asked if the Dutchess 911 addresses could be used. The Census Bureau individuals were not enthused about this, as they prefer physical inspections of properties. The Town Board decided that at this time, the town does not have the staffing or the finances to participate.

The following meetings have been scheduled: Budget Workshop meeting on October 15 at 7:00 PM, and Master Plan Committee Workshop on Oct. 25 at 7:30 PM.

On a motion made by Councilman Turletes and seconded by Councilman Murphy the Board moved into Executive Session at 9:15 PM to discuss a particular personnel matter. All ayes were recorded. On a motion made by Councilman Murphy and seconded by Councilman Turletes the Board reopened the regular meeting at 9:45 PM. All ayes were recorded.

On a motion made by Councilman Rappleyea and seconded by Councilman Turletes the following claims were accepted as presented:

Gen Fund A	\$40,610.80
Gen Fund B	\$1,867.49
Youth Rec Fund A	\$10,926.20
Highway Fund DB	\$52,419.43
Other Funds TA	\$1,207.50
TOTAL	\$107,040.42

All ayes were recorded.

There being no other business, on a motion made by Councilman Rappleyea and seconded by Councilman Murphy, the meeting was closed at 10:25 PM. All ayes were recorded.

Mary Alex, Town Clerk